

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 14-981 AG (CWx)	Date	March 26, 2014
Title	MELINDA NATION et al. v. BAYER HEALTHCARE PHARMACEUTICALS, INC. et al.		

Present: The
Honorable

ANDREW J. GUILFORD

Lisa Bredahl

Not Present

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Proceedings: [IN CHAMBERS] ORDER TO SHOW CAUSE

This case was originally filed in state court. Defendant Bayer Healthcare Pharmaceuticals, Inc. ("Bayer") removed the case despite the presence of a non-diverse defendant, arguing that the non-diverse defendant was fraudulently joined. The Court disagreed and remanded the case back to state court. *See Melinda Nation v. Bayer Healthcare Pharm.*, Case No. CV 13-4689 AG (ANx), Dkt. No. 30 (C.D. Cal. Aug. 19, 2013).

Defendant Bayer has again removed the case to federal court, again arguing that diversity jurisdiction exists because of fraudulent joinder. (*See Notice of Removal*, Dkt. No. 1.) The Court ORDERS Bayer to show cause in writing by April 3, 2014, why this action should not be remanded for lack of subject matter jurisdiction. Any party opposing the exercise of diversity jurisdiction may submit a response by April 10, 2014.

The Court is particularly interested in when additional evidence can be used to remove *a second time* after the Court previously reviewed the relevant issues and remanded.

The parties' arguments should also keep in mind this Court's decision in *Padilla v. AT&T Corp., et al.*, 697 F. Supp. 2d 1156 (C.D. Cal. 2009), which dealt with the issue of a

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purported sham defendant.

Initials of Preparer	_____ : _____ _____
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